

**RULES OF PRACTICE BEFORE
UNITED STATES DISTRICT JUDGE
RICHARD CONWAY CASEY**

UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007
COURTROOM 17B
web site: www.nysd.uscourts.gov

Courtroom Deputy: Carl Pampolina

I. COMMUNICATIONS WITH CHAMBERS

In advance of making any inquiry, counsel are urged to consult the practices and procedures set forth herein as well as the Local Rules of this Court and the Federal Rules of Civil Procedure. Except on urgent matters requiring the Court's immediate attention, communications with Chambers should be ***IN WRITING***, with a copy to opposing counsel. Letters must be delivered to opposing counsel in the same manner in which they are delivered to Chambers, and must show the method of delivery. Copies of correspondence between counsel should ***not*** be sent to the Court, *and will be discarded*.

a. Papers

One (1) courtesy copy of all papers, including the complaint, the answer, and Rule 9 statements, shall be provided to Chambers by delivering them **to the clerk's office at 500 Pearl Street** and the originals are to be filed with the Clerk of Court in the Cashier's Office (Room 120.). In addition, all courtesy copies shall be accompanied by either a clearly labeled computer diskette version of the document (any version of Microsoft Word or Word Perfect is preferred), or a cassette tape containing an audio version of the document. Originals and copies should bear legends distinguishing between them. Exhibits may be attached to a disk, however, must be attached to hard copies.

b. Filing Motions, Oral Argument

A Pre-Motion conference will be required before any dispositive motion is filed.

Motion papers must **NOT** be filed with the Court until the motion is fully briefed by all affected parties, at which time the moving party shall file a complete set of original papers (including motion, opposition and reply) with the Clerk of the Court. In addition, the moving party shall supply the Clerk of the Court with one courtesy copy and a computer diskette or audio version of all papers.

Motions longer than ten (10) pages must include a table of contents and a table of authorities. Motions must not exceed twenty-five pages without leave of the Court.

Unless otherwise ordered by the Court, all motions, unless brought on by an Order to Show Cause, should be made on submission without a return date. Opposing papers must be served within fourteen days of service of the motions papers. Reply papers, if any, must be served within five business days of service of opposition papers.

Fully submitted motions should be filed on submission with the Clerk of the Court, and should *not* include a return date. The Court will set a date for oral argument if and when it deems necessary. Generally, oral arguments will be scheduled on Fridays. Counsel should consult the *New York Law Journal* for all calendar dates.

c. Extensions or Adjournments

Scheduling matters should be directed to Mr. Carl Pampolina, Courtroom Deputy. Mr. Pampolina can be reached at (212) 805-0593. **All requests to modify scheduling orders or adjourn pretrial conferences must be made in writing, with copies to all counsel, and received in chambers no later than 48 hours before the scheduled time.** Such requests must state whether opposing counsel consents to the extension and include the number and disposition of any prior requests for similar extensions. If the extension or adjournment request is made with the consent of all parties, a stipulation or proposed formal order modifying the scheduling order in effect shall be submitted setting forth the schedule to which counsel have agreed.

II. PRETRIAL AND TRIAL PROCEDURES

a. Initial Case Management Conference

The Court generally will schedule an initial case management conference within six to eight weeks of the filing of the complaint. Counsel are expected to discuss prior to the conference all of the issues specified in Fed.R.Civ.P. 16(c), including settlement, contemplated motions, and a schedule for discovery.

At the initial case management conference, the parties shall submit a proposed case management plan which is sent to the plaintiff along with the notice of court conference.

b. Discovery Disputes

No less than one week prior to the initial conference, the parties to a civil case must furnish the Court with a written report of their agreements or disagreements regarding case management and discovery, in a form corresponding to the Court's Case Management Order. In formulating their discovery plans, the parties should bear in mind the Court's preference that document discovery take temporal precedence over depositions, that expert reports be exchanged simultaneously, and that the filing of dispositive motions await the completion of discovery. **A Pre-Motion conference will be required before any dispositive motion is filed.** Interrogatories are limited to those authorized by Local Civil Rule 46(a), and no deposition may extend beyond two business days without prior leave of the Court. At the conference, the Court will issue a binding Case Management Order that, in most cases, will require the case to be ready for trial within six months of the date thereof.

The Court expects that counsel will conduct discovery under the Rules in a responsible, flexible, accommodating, forthcoming, and professional manner. Accordingly, the overwhelming majority of discovery disagreements will be resolved by counsel without the necessity of Court intervention. If the parties are unable to reach agreement, one party should submit a brief letter, no more than two pages in length, setting forth the nature of the dispute, the relief requested, and the reasons the relief should be granted, with supporting authority, if available. Within three days, a brief responding letter, no longer than two pages, should be served and submitted. The Court will schedule a status conference if necessary.

The parties are urged to take into consideration the Proposed Uniform Deposition Discovery Rules developed by a committee of the Federal Bar Council and published at 131 F.R.D. 613, 623-24 (1990) when conducting depositions.

c. Joint Pretrial Orders, Exhibits and Submissions

In all civil jury cases, the parties shall jointly submit to the Court, at least one week prior to jury selection, a proposed Pretrial Order consisting of the following:

- (1) A statement of the facts and other matters on which the parties agree;
- (2) Each party's contentions of ultimate objective facts that are disputed;
- (3) A particularized statement of the damage claims;
- (4) A list of the names of the fact witnesses, in the likely order of appearance;
- (5) A statement of the names and backgrounds of the expert witnesses, in the likely order of appearance; and
- (6) A list of all exhibits to be offered by each party, and all objections thereto.
- (7) An estimate of the number of Court trial days that will be required for the presentation of each party's case.

Prior to submitting the Pretrial Order, counsel must exchange copies of their trial exhibits. **All exhibits shall be pre-marked.** Plaintiff's exhibits shall be marked with numerals, and defendant's with letters.

d. The following are due one week prior to jury selection:

- (1) Pretrial memoranda on each issue of law that the party expects to arise at trial;
- (2) Voir dire requests;

- (3) Proposed jury instructions and verdict sheets in jury cases; and
- (4) All motions to preclude.
- (5) Parties should be prepared to discuss any evidentiary issues that they anticipate may arise during the course of trial.

e. Trial

As of the ready for trial date on the case management order, counsel must be ready to proceed to trial on 48 hours' notice from the Court. Chambers will notify counsel as far in advance as possible of a definite, firm trial date, when one is selected by the Court. Should counsel for either party find that circumstances have changed with respect to the readiness of the case for trial, or that for extraordinary reasons additional advance notice of a firm trial date is needed, counsel are directed to advise the Court in writing.

III. ORDERS TO SHOW CAUSE

All Orders to Show Cause and temporary restraining orders should be brought to the Orders Clerk in the Cashier's Office for approval as to form before being taken to Chambers. Unless special cause is shown, a Temporary Restraining Order will not be issued unless all other parties have received reasonable notice and have been provided an opportunity to appear and oppose the application. Applications for orders to show cause must be accompanied by an affidavit showing cause and a supporting memorandum of law.